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May 13, 2005

The Honorable John E. Bridges
Chelan County Superior Court
Department No. 3
401 Washington Street
Wenatchee, WA 98807

Re: *Borders v. King County, et al.*
Chelan County Superior Court Cause No. 05-2-00027-3

Dear Judge Bridges:

As I understand it, the timing for addressing the admissibility of the testimony of petitioners' experts—Anthony Gill and Jonathan Katz—was discussed at the hearing on May 2, but the date the Court suggested for a hearing was unworkable for petitioners' counsel. It was decided to address the issue during trial, but the exact timing was left open. We stand ready to proceed in any manner in which the Court directs, but because the resolution of this issue is likely to have a significant impact on the evidence to be presented at trial, I would respectfully suggest that the issue be addressed at the commencement of the trial on May 23, even before opening statements, so that the parties can factor the ruling into their trial presentations and so that intervenor Washington State Democratic Central Committee has a firm date to have their experts present for any questions the Court might have on the admissibility question.

We have, in addition, filed a motion for partial summary judgment today, addressing the claims asserted by the petitioners involving voters who are alleged to have voted twice in the State of Washington or who are alleged to have voted both in Washington and in another state. The motion has been noted for consideration on the first day of trial without oral argument.

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Thank you again for your consideration. I look forward to appearing before you on Monday, May 23.

Yours truly,


Kevin J. Hamilton

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cc: All Counsel